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IAP01Rec'd PCT 21 NOV 2008

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of *

HEYN, William M. * (DO/EO/US)

Serial No.: 10/586,722 *

Intl. Appln. No. PCT/US05/01665 *

Title: OVERCAP FOR A CONTAINER

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS
UNDER 35 U.S.C. 371

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

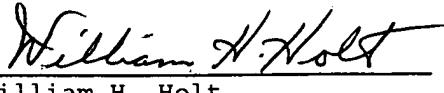
Sir:

In response to the Notification of Missing Requirements dated October 10, 2008, there are submitted herewith the following:

1. A copy of the Formalities Letter.
2. A substitute declaration identifying the inventor's citizenship, and executed by the inventor on November 7, 2008.
3. Form PTO-2038 for payment of the surcharge of \$65.00 for filing of replacement declaration.

The Commissioner is hereby authorized to charge any additional required fees associated with this communication and during the pendency of the application under 37 CFR 1.16 and 37 CFR 1.17 or to credit any overpayment to Deposit Account No. 082670.

Respectfully submitted,



William H. Holt
Reg. No. 20766
Customer No. 25628

November 20, 2008
Date

Law Office of William H. Holt
12311 Harbor Drive
Woodbridge, VA 22192
Telephone: 703-491-8880
Facsimile: 703-491-8444

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 with sufficient postage for first class mail on November 20, 2008.



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UNITED STATES DEPARTMENT OF COMMERCE
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U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/586,722	William M. Heyn	WHP-P2-PCT
William H. Holt Law Offices of William H. Holt 12311 Harbor Drive Woodbridge, VA 22192		INTERNATIONAL APPLICATION NO. PCT/US05/01665
		I.A. FILING DATE 01/18/2005
		PRIORITY DATE 01/16/2004

CONFIRMATION NO. 8713
371 FORMALITIES LETTER



OC000000032537323

Date Mailed: 10/10/2008

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371
IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- Indication of Small Entity Status
- Priority Document
- Copy of the International Application filed on 07/17/2006
- Copy of the International Search Report filed on 07/17/2006
- Copy of IPE Report filed on 05/31/2008
- Oath or Declaration filed on 07/17/2006
- Small Entity Statement filed on 07/17/2006
- U.S. Basic National Fees filed on 07/17/2006
- Priority Documents filed on 07/17/2006
- Specification filed on 07/17/2006
- Claims filed on 07/17/2006
- Abstracts filed on 07/17/2006
- Drawings filed on 07/17/2006

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
 - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
 - does not identify the citizenship of each inventor.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$65** for a Small Entity:

- **\$65** Surcharge.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.

<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at **1-866-217-9197** or visit our website at <http://www.uspto.gov/ebc>.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

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